

*Interlocal Agreement*  
***Zoning Enforcement - County***

THIS CONTRACT, made and entered into by and between the County of Lancaster, a body corporate and politic of the State of Nebraska, hereinafter referred to as "county," and the City of Lincoln, Nebraska, a municipal corporation, hereinafter referred to as "city."

WHEREAS, the Interlocal Cooperation Act "R.R.S. §23-2201 et seq. (1974)] provides that one public agency may contract with another public agency to perform any governmental service activity or undertaking which each public agency entering into the contract is authorized by law to perform; and

WHEREAS, the county, pursuant to R.R.S. §23-174.01 to 174.10 (1974 Supp.), has the power to adopt zoning regulations within the County except within the area in which zoning jurisdiction has been granted to any city or village; and

WHEREAS, the city, pursuant to R.R.S. §15-901 et seq. (1974) has the power to regulate zoning within the city and within three miles of the corporate limits thereof; and

WHEREAS, the county presently has no single agency charged with the enforcement of its zoning regulations, but by contract with the city has agreed that the city's codes administration division shall enforce its zoning regulations; and

WHEREAS, the duty of enforcing the zoning regulations of the city is presently vested in the codes administration division of the city; and

WHEREAS, it would be in the best interest of both public agencies to have certain duties of enforcing the zoning regulations of both the city and the county remain in the codes administration division of the city.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed by and between the parties hereto as follows:

1. Definitions:

City shall mean the City of Lincoln, Nebraska.

Codes administration shall mean the codes administration division of the City of Lincoln, Nebraska.

Codes administrator shall mean the superintendent of the city's codes administration division and his duly authorized agents and employees.

County shall mean the County of Lancaster, Nebraska.

Zoning regulations shall mean the zoning regulations of the county, including the flood plain zoning regulations as presently in force, and shall include all revisions of and amendments to said zoning regulations made after the effective date of this contract.

2. The county shall amend the zoning regulations of Lancaster county in any way necessary to permit the enforcement of said zoning regulations by the codes administration of the City of Lincoln, subject, however, to the discretion of the county board.

3. Subsequent to such amendment, if any, of the zoning regulations, the codes administration shall provide the county with such services as are necessary to enforce the zoning regulations. These services shall include:

(a)(1) Inspection of properties within the zoning jurisdiction of the county for violations of the zoning regulations upon complaints received by the codes administration; provided, however, that upon initial receipt of a complaint, the codes administration may forward such

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complaint to the county sheriff of Lancaster county for initial inspection for verification of the facts alleged in the complaint. If the county sheriff reports to the codes administration that the facts alleged in the complaints appear to exist, the codes administration shall then cause the property to be inspected. It is understood, however, that complaints are often forwarded from the sheriff's office and the county engineer's office to the codes administration.

(2) Inspection of properties within the jurisdiction of the county which appear to be in violation of the zoning regulations in the county which come to the attention of the codes administrator by observations made during the normal pursuit of his other duties as codes administrator and as imposed by the terms of this contract.

(b) Upon verification of a zoning violation by the codes administration, notification to the proper party of the existence of a zoning violation upon property under his/her or its control and follow-up inspection to ascertain whether or not the zoning violation has been abated after notification.

(c) Referral to the county attorney of zoning violations which have not been abated after notification.

(d) Issuance of necessary permits according to the terms of the zoning regulations.

4. Applications for all permits issued under the zoning regulations shall be filed with the codes administration, and all permit fees shall be paid to the codes administration. At the end of each year, the codes administration will cause a report to be made to the county board of all permit fees collected during that year. All permit fees collected shall be retained by the city.

5. It is expressly agreed by and between the parties that the enforcing authority of the zoning regulations is in the county, and any violation thereof which has not been corrected or abated within a reasonable time after notification by the codes administration shall be reported to the county attorney's office for further action.

6. It shall be the duty of the county through the planning department or a designated county official to promptly advise the codes administration of any change of zone authorized by the county commissioners, and the city-county planning department shall provide such updated plats showing the zoning classifications within the county as may be deemed necessary by the codes administration.

7. Any person affected by any decision of the codes administration in its enforcement of the zoning regulations may appeal to the county board of zoning appeals as provided in the zoning regulations. A notice of appeal from such decision shall be filed with the codes administration, which shall forthwith transmit to said board of zoning appeals all papers constituting the record upon which the action appealed from is taken.

8. In consideration of the services rendered to the county by the city under the terms of this agreement, county shall pay to the city an amount not to exceed ten thousand dollars (\$10,000.00). The codes administration shall submit a bill to the county quarterly, which shall be due and payable upon receipt by the county, in which the codes administration shall itemize the services rendered and the amount due for that quarter. Such bill shall be computed strictly on a cost-of-operation basis itemized by hours spent per employee times that employee's hourly wage, plus current operational costs as determined by the codes administration of the city, and actual vehicular costs. No billings shall be made for issuing permits, such costs being covered by permit fees retained by the city. Provided, however, that if after six months it appears that the cost of services rendered by the city

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is in excess of five thousand dollars (\$5,000.00) for the six-month period, the mayor and county commissioners shall meet and confer to determine whether or not it should be recommended to the legislative body of the respective parties that the ceiling amount provided in this paragraph be increased through amendment of this agreement. To initiate the enforcement procedures outlined in this agreement, the county shall, at its own cost and expense, provide the city codes administration with an initial supply of application forms for change of zone, special permit, and appeal to board of zoning appeals, and an initial supply of certificates of compliance.

9. It is expressly agreed between the parties hereto that this contract shall be effective from and after the date of its execution by both parties and that the duration of this contract shall be for one year; provided, however, that renewal shall occur automatically each year on the anniversary date of this agreement unless either party provides notice to the other of its intention not to renew this contract. Such notice shall be given in the same manner as provided below for giving notice of termination.

10. The city through its mayor, or the county through the county board, may cancel this contract at any time upon the condition that sixty (60) day's written notice of the intention to terminate will be given to the other party. Upon termination of this agreement, the city will turn over all its books, records, and accounts which it has kept of permits issued, all unused books and records, and all items provided by the county in accordance with this contract. (City Resolution No. A-66024, passed March 19, 1979; adopted by County Board March 27, 1979; prior City Resolution No. A-63003; August 9, 1976; County Resolution 1E-1570; July 27, 1976).